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FILED
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 CLERK U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 AM 9:35

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

Jessica Marie PRATER)

Defendant.)

By: [Signature] Magistrate Case No. **08 MJ 0335**COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
 1324(a)(2)(B)(iii)-
 Bringing in Illegal Alien(s)
 Without Presentation

The undersigned complainant being duly sworn states:

On or about **February 4, 2008**, within the Southern District of California, defendant **Jessica Marie PRATER**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Pedro PLACENCIA**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[Signature]
 SIGNATURE OF COMPLAINANT
 Sara Esparagoza, United States Customs
 and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 6th DAY OF
February 2008.

[Signature]
 UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Pedro PLACENCIA** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 4, 2008 at approximately 09:10 PM **Jessica Marie PRATER (Defendant)** applied for admission into the United States as the driver and sole visible occupant of a yellow 1988 Dodge Dakota truck. While Defendant was waiting for inspection in a pre primary area in vehicle primary lane twenty at the San Ysidro Port of Entry, she was approached by a CBP Canine Enforcement Officer and his assigned CBP Service canine. The CBP service canine alerted to the engine compartment of the vehicle. Once the vehicle was at the primary booth, the primary CBP Officer conducted an inspection of Defendant and the vehicle. During primary inspection Defendant stated she had been in Mexico visiting her grandmother. Defendant stated she was not bringing anything from Mexico and claimed ownership of the vehicle. The primary CBP Officer noticed that Defendant was avoiding eye contact and appeared nervous. Defendant was asked to open the hood of the vehicle and Defendant stated she did not know how. The primary CBP Officer opened the hood and discovered an adult male hidden on the left side of the engine compartment in the fetal position with his head toward the driver.

The primary CBP Officer requested assistance and after the Defendant was removed from the vehicle, a CBP Service Canine alerted to the space under the bench seat of the vehicle. A secondary officer discovered an adult female lying on her back under the seat. The vehicle and all occupants were escorted to secondary. In secondary the adult male and the adult female were determined to be citizen of Mexico with no documents to enter the United States. The adult male was identified as **Pedro PLACENCIA (Material Witness)**

During a video taped proceeding, Defendant was advised of her Miranda rights which she acknowledged and elected to make a statement. Defendant stated she was given the vehicle by an unknown male in Mexico. Defendant stated she was given the vehicle so she could drive herself to Los Angeles, California. Defendant stated she had traveled to Mexico with a friend but had been separated during her visit. Defendant stated the unknown male drove her to the border, exited the vehicle and wished her luck. Defendant stated she had claimed the vehicle has hers during primary inspection to avoid any problems while crossing the border. Defendant denied knowledge of both concealed aliens, the one in the engine compartment and the one under the seat she was sitting on.

During a separate video taped proceeding, Material Witness was interviewed and made the following statements: Material Witness admitted he did not possess the proper documents to enter the United States. Material Witness admitted he was a citizen of Mexico by virtue of birth in Mexico, Distrito Federal. Material Witness stated he had made his own smuggling arrangements with an unknown male in Tijuana and was offered a cheap and quick way to get smuggled into the United States. Material Witness stated he had been placed in the engine compartment by the same Hispanic male. Material witness stated he was to pay a smuggling fee of \$1000.00 once he arrived in Hawthorn, California. Material Witness stated he was in the compartment for approximately thirty minutes before being apprehended at the border. Material Witness stated he could not identify the driver since he was sealed in the compartment.